

**REMARKS**

Claims 1, 5, 16, 18 and 20-29 are amended. Claims 41 and 42 are new. Claims 1, 3-16, and 18-42 are pending. In view of the following remarks, Applicant respectfully requests the Office reconsider and withdraw its rejections and forward the application on to issuance.

## Teleconference with Examiner

Applicant and Examiner Cao conducted a teleconference on December 27, 2006. During the teleconference, Applicant and Examiner discussed the references cited by the Office, the Office's position with respect to the subject claims and some claim modifications that would likely receive favorable treatment by the Office.

## § 101 Rejections

**Claims 1, 3-16 and 18-27** stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office argues that these claims are not directed to a practical application. The Office then states that a “[p]ractical application can be provided by a physical transformation or a useful, concrete and tangible result as evidence of it being a practical application.”

Applicant is confused as to the substance of this rejection because the claims and specification are replete with descriptions of useful, concrete and tangible results. In this regard, the Office is directed to the subject matter recited in the subject claims themselves. By way of example and not limitation, claim 1 recites "an application configured to handle requests submitted by remote devices

1 over a network" and "an application program interface to present functions used  
2 by the application to access network and computing resources of the distributed  
3 computing system..." In addition, and also by way of example and not  
4 limitation, the Office is directed to page 13 (line 6) through page 14 (line 17) of  
5 the specification which describes useful, concrete and tangible results associated  
6 with the claimed subject matter.

7 Applicant reminds the Office that it has the burden of setting forth a *prima*  
8 *facie* case of unpatentability. (see MPEP 2106 (IV)(C)). In view of the above  
9 discussion, the Office has not met this burden because it has failed to show that  
10 these claims present non-statutory subject matter under 35 U.S.C. § 101.  
11 Accordingly, for at least this reason, these claims are allowable.

12 **Claims 1, 3-4, 16 and 18-27** also stand rejected under 35 U.S.C. § 101  
13 because they allegedly "fail to include any physical articles or objects, and the  
14 'network platform' in claims 16, 18-27 is software platform (see specification,  
15 page 5, lines 10-15)."

16 Applicant disagrees with the Office and submits that the proper test for  
17 whether claimed subject matter is statutory is not limited to whether it transforms  
18 an article or physical object. Instead, claimed subject matter is also statutory if it  
19 "otherwise produces a useful, concrete and tangible result." (MPEP 2106  
20 (IV)(C)). In this regard, the Federal Circuit has explained, "[t]hus, the relevant  
21 inquiry under § 101 becomes – [i]s the idea being applied to achieve a useful  
22 end? (AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1357 (1999)).  
23 "If so, then the § 101 threshold is satisfied." (Id.) As noted above, the subject  
24 claims and specification are replete with descriptions of useful, concrete and  
25 tangible results which achieve a useful end.

1           In addition, and as an aside, the excerpt of the subject application cited by  
2 the Office specifically states: “[t]he .NET™ platform is a software platform for  
3 Web services and Web applications implemented in the distributed computing  
4 environment.” As such, the Office’s rejection does not appear to be relevant to  
5 these claims.

6           Accordingly, the Office’s rejection is misplaced and the Office has not met  
7 its burden of showing that these claims do not recite statutory subject matter  
8 under § 101. Therefore, for at least this reason, these claims are allowable.

9           **Claims 5-14** stand rejected under 35 U.S.C. § 101 because the application  
10 programming interface is allegedly “an abstract idea that is not tied to a  
11 technological art, environment, or machine which would result in a practical  
12 application producing a concrete, useful, tangible result to form the basis of a  
13 statutory matter under 35 U.S.C. § 101.”

14           Applicant disagrees with the Office and submits that, as noted above, the  
15 subject claims and specification are replete with descriptions of concrete, useful,  
16 tangible results. By way of example and not limitation, claim 5 recites “[a]n  
17 application program interface embodied on one or more computer readable,  
18 comprising: multiple types related to constructing user interfaces...” In addition,  
19 and also by way of example and not limitation, the Office is directed to page 13  
20 (line 6) through page 14 (line 17) of the specification which describes useful,  
21 concrete and tangible results associated with the claimed subject matter.

22           Accordingly, the Office’s rejection is misplaced and the Office has not met  
23 its burden of showing that these claims do not recite statutory subject matter  
24 under § 101. Therefore, for at least this reason, these claims are allowable.

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1       **Claims 5-14** also stand rejected under 35 U.S.C. § 101 because “the  
2 computer readable media, as defined by the specification includes communication  
3 media, such as data signal or carrier wave.”

4       Applicant is confused as to which particular portion of the subject  
5 application the Office is referring to with respect to this rejection. Accordingly,  
6 Applicant respectfully requests that the Office specify which page and line  
7 number(s) it is relying on. Nevertheless, in the interest of advancing the  
8 prosecution of this matter, Applicant has amended claim 5 to recite “[a]n  
9 application program interface embodied on one or more tangible computer  
10 readable media...” Accordingly, for at least this reason, these claims are  
11 allowable.

12

13       **§ 103 Rejections**

14       Claims 1, 3-16, 18-40 stand rejected under 35 U.S.C. § 103(a) over a  
15 publication by Cohn et al. (hereinafter “Cohn”) in view of a publication by  
16 Flanagan (hereinafter “Flanagan”) and further in view of a publication by  
17 Microsoft (hereinafter “Microsoft”).

18

19       **The Claims**

20       **Claim 1**, as amended, recites a software architecture for a distributed  
21 computing system comprising [added language in bold italics]:

22

23       • an application configured to handle requests submitted by remote  
24 devices over a network; and  
25       • an application program interface to present functions used by the  
application to access network and computing resources of the  
distributed computing system, *wherein calls to the application*

*program interface are handed to a common language runtime layer that can translate Web applications written in different languages into an intermediate supported language, the application program interface comprising various types related to constructing user interfaces.*

In making out the rejection of this claim, the Office relies on the teachings of Cohn and Flanagan and argues it would have been obvious to integrate the teachings of these references. The Office then relies on Microsoft as disclosing "delegates" and argues it would have been obvious to integrate the teachings of Cohn and Flanagan with Microsoft.

Applicant respectfully disagrees with the Office's argument. Nevertheless, in the interest of advancing the prosecution of this claim, Applicant has amended this claim to clarify that "calls to the application program interface are handed to a common language runtime layer that can translate Web applications written in different languages into an intermediate supported language". Support for this amendment can be found in the specification on page 10, line 2 through page 11, line 12 (among other places).

Neither Cohn nor Flanagan disclose or suggest any such feature. Hence, for at least this reason, this claim is allowable.

**Claims 3-4 and 41** depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

**Claim 5**, as amended [added language in bold italics], recites an application program interface embodied on one or more *tangible* computer

1 readable media, comprising: multiple types related to constructing user interfaces,  
2 the types comprising classes which represent managed heap allocated data that  
3 has reference assignment semantics, interfaces that define a contract that other  
4 types can implement, delegates that are object oriented function pointers,  
5 structures that represent static allocated data that has value assignment semantics  
6 and enumerations which are value types that represent named constants, *wherein*  
7 *the application program interface is associated with a common language*  
8 *runtime layer that can translate Web applications written in different*  
9 *languages into a intermediate language supported by the common runtime*  
10 *layer.*

11 In making out the rejection of this claim, the Office relies on the  
12 teachings of Cohn and Flanagan and argues it would have been obvious to  
13 integrate the teachings of these references. The Office then relies on Microsoft  
14 as disclosing "delegates" and argues it would have been obvious to integrate  
15 the teachings of Cohn and Flanagan with Microsoft.

16 Applicant respectfully disagrees with the Office's argument.  
17 Nevertheless, in the interest of advancing the prosecution of this claim,  
18 Applicant has amended this claim to clarify that "the application program  
19 interface is associated with a common language runtime layer that can translate  
20 Web applications written in different languages into a intermediate language  
21 supported by the common runtime layer". Support for this amendment can be  
22 found in the specification on page 10, line 2 through page 11, line 12 (among  
23 other places).

24 Neither Cohn nor Flanagan disclose or suggest any such feature.  
25 Hence, for at least this reason, this claim is allowable.

1           **Claims 6-15** depend from claim 5 and are allowable as depending from an  
2 allowable base claim. These claims are also allowable for their own recited  
3 features which, in combination with those recited in claim 5, are neither disclosed  
4 nor suggested in the references of record, either singly or in combination with one  
5 another.

6           **Claim 16**, as amended, recites a distributed computer software  
7 architecture, comprising [added language in bold italics]:

- 8           • one or more applications configured to be executed on one or more  
9 computing devices, the applications handling requests submitted  
10 from remote computing devices;
- 11           • a networking platform to support the one or more applications;
- 12           • an application programming interface to interface the one or more  
13 applications with the networking platform, the application  
14 programming interface comprising various types related to  
15 constructing user interfaces; *and*
- 16           • *a common language runtime layer that can translate Web  
17 applications written in different languages into an intermediate  
18 language supported by the common runtime layer.*

19           In making out the rejection of this claim, the Office relies on the  
20 teachings of Cohn and Flanagan and argues it would have been obvious to  
21 integrate the teachings of these references. The Office then relies on Microsoft  
22 as disclosing "delegates" and argues it would have been obvious to integrate  
23 the teachings of Cohn and Flanagan with Microsoft.

24           Applicant respectfully disagrees with the Office's argument.  
25 Nevertheless, in the interest of advancing the prosecution of this claim,  
Applicant has amended this claim to include "a common language runtime layer  
that can translate Web applications written in different languages into an

1 intermediate language supported by the common runtime layer". Support for this  
2 amendment can be found in the specification on page 10, line 2 through page  
3 11, line 12 (among other places).

4 Neither Cohn nor Flanagan disclose or suggest any such feature.  
5 Hence, for at least this reason, this claim is allowable.

6 **Claims 18-27 and 42** depend from claim 16 and are allowable as  
7 depending from an allowable base claim. These claims are also allowable for  
8 their own recited features which, in combination with those recited in claim 16,  
9 are neither disclosed nor suggested in the references of record, either singly or in  
10 combination with one another.

11 **Claim 28**, as amended [added language in bold italics], recites a computer  
12 system including one or more microprocessors and one or more software  
13 programs, the one or more software programs utilizing an application program  
14 interface to request services from an operating system, the application program  
15 interface including separate commands to request services comprising services  
16 related to constructing user interfaces, wherein the application program interface  
17 groups API functions into multiple namespaces that define a collection of classes  
18 which represent managed heap allocated data that has reference assignment  
19 semantics, interfaces that define a contract that other types can implement,  
20 delegates that are object oriented function pointers, enumerations which are value  
21 types that represent named constants and structures that represent static allocated  
22 data that has value assignment semantics, ***the application program interface***  
23 ***being associated with a common language runtime layer that can translate Web***  
24 ***applications written in different languages into an intermediate language***  
25 ***supported by the common runtime layer.***

1  
2 In making out the rejection of this claim, the Office relies on the  
3 teachings of Cohn and Flanagan and argues it would have been obvious to  
4 integrate the teachings of these references. The Office then relies on Microsoft  
5 as disclosing "delegates" and argues it would have been obvious to integrate  
6 the teachings of Cohn and Flanagan with Microsoft.

7 Applicant respectfully disagrees with the Office's argument.  
8 Nevertheless, in the interest of advancing the prosecution of this claim,  
9 Applicant has amended this claim to include "the application program interface  
10 being associated with a common language runtime layer that can translate Web  
11 applications written in different languages into an intermediate language  
12 supported by the common runtime layer". Support for this amendment can be  
13 found in the specification on page 10, line 2 through page 11, line 12 (among  
14 other places).

15 Neither Cohn nor Flanagan disclose or suggest any such feature.  
16 Hence, for at least this reason, this claim is allowable.

17 **Claim 29**, as amended, recites a method, comprising [added language in  
18 bold italics]:

19

- 20 • managing network and computing resources for a distributed  
computing system; and
- 21 • exposing a set of functions that enable developers to access the  
network and computing resources of the distributed computing  
system, the set of functions comprising functions to facilitate  
construction of user interfaces, wherein the functions are grouped  
22 into multiple namespaces that define a collection of classes which  
represent managed heap allocated data that has reference  
assignment semantics, interfaces that define a contract that other  
23 types can implement, delegates that are object oriented function  
24 types, and methods that are object oriented function types.

1                   pointers, enumerations which are value types that represent named  
2                   constants and structures that represent static allocated data that has  
3                   value assignment semantics; **and**

4

5                   • **using a common language runtime layer that can translate Web**  
6                   **applications written in different languages into an intermediate**  
7                   **language supported by the common runtime layer.**

8

9

10                  In making out the rejection of this claim, the Office relies on the  
11                  teachings of Cohn and Flanagan and argues it would have been obvious to  
12                  integrate the teachings of these references. The Office then relies on Microsoft  
13                  as disclosing "delegates" and argues it would have been obvious to integrate  
14                  the teachings of Cohn and Flanagan with Microsoft.

15

16                  Applicant respectfully disagrees with the Office's argument.  
17                  Nevertheless, in the interest of advancing the prosecution of this claim,  
18                  Applicant has amended this claim to include "using a common language runtime  
19                  layer that can translate Web applications written in different languages into an  
20                  intermediate language supported by the common runtime layer". Support for this  
21                  amendment can be found in the specification on page 10, line 2 through page  
22                  11, line 12 (among other places).

23

24                  Neither Cohn nor Flanagan disclose or suggest any such feature.  
25                  Hence, for at least this reason, this claim is allowable.

26

27                  **Claim 30** depends from claim 29 and is allowable as depending from an  
28                  allowable base claim. This claim is also allowable for its own recited features  
29                  which, in combination with those recited in claim 30, are neither disclosed nor  
30                  suggested in the references of record, either singly or in combination with one  
31                  another.

1       **Claim 31** recites a method, comprising creating a namespace with  
2 functions that enable drawing and construction of user interfaces, the name space  
3 defining classes which represent managed heap allocated data that has reference  
4 assignment semantics, interfaces that define a contract that other types can  
5 implement, delegates that are object oriented function pointers, structures that  
6 represent static allocated data that has value assignment semantics, and  
7 enumerations which are value types that represent named constants.

8

9       In making out the rejection of this claim, the Office simply indicates  
10 "see rejection of claim 5 above."

11      Applicant respectfully disagrees and traverses the Office's rejection.  
12 Specifically, Applicant submits that claim 5 does not expressly recite "creating  
13 a namespace", as claimed. Accordingly, it remains unclear what teachings of  
14 Cohn and/or Flanagan the Office is relying on for disclosing the subject matter  
15 of this claim. Nevertheless, Applicant has thoroughly reviewed the references  
16 and is unable to find any discussion of this subject matter.

17      Accordingly, in view of the above discussion, the Office has not  
18 established a *prima facie* case of obviousness. Hence, for at least these  
19 reasons, this claim is allowable.

20      **Claims 32-40** depend from claim 31 and are allowable as depending  
21 from an allowable base claim. These claims are also allowable for their own  
22 recited features which, in combination with those recited in claim 31, are  
23 neither disclosed nor suggested in the references of record, either singly or in  
24 combination with one another:

1

2 **Conclusion**

3 Applicant respectfully submits that the Office has failed to establish a  
4 *prima facie* case of obviousness for the reasons set forth above. Applicant  
5 respectfully requests a Notice of Allowability be issued forthwith.

6

7

8 Respectfully submitted,

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10 Dated: 2/13/2007

11 By: \_\_\_\_\_

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